

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA  
EX REL. HASSAN FOREMAN,

16 Civ. 1960 (LLS)

Plaintiff,

ORDER

- against -

AECOM, AECOM GOVERNMENT  
SERVICES, INC., AC FIRST, LLC and  
AECOM/GSS LTD. d/b/a GLOBAL SOURCING  
SOLUTIONS, INC.,

Defendants.

----- X

The Court of Appeals affirmed the dismissal of all Foreman's claims except the 31 U.S.C. § 3729 (a) (1) (A)-(B) claims premised on his labor billing allegations. United States ex rel. Foreman v. AECOM, et al., 19 F.4th 85, 126-7 (2d Cir. 2021). These claims were restored because, in dismissing them "the district court erred in relying on the September 2014 DCAA Report and the documents related to Work Order 6HN26S603914 without first converting the motion to dismiss into a motion for summary judgment." Id. at p. 28.

As stated in the Federal Rules of Civil Procedure Rule 12 (d):

If, on a motion under Rule 12 (b) (6) or 12 (c), matters outside the pleadings are presented to and not excluded by the Court, the motion must be treated as one for summary judgment under Rule 56. All parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.

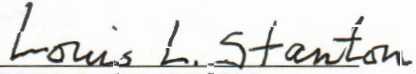
Accordingly, the necessary consideration of the September 2014 DCAA Report and the documents related to Work Order 6HN26S603914 requires the conversion of the motion regarding the 31 U.S.C. § 3729 (a) (1) (A)-(B) claims premised on the labor billing allegations,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 10/4/24

and it is ORDERED that it is so converted and shall be disposed of as provided in  
Fed. R. Civ. P. 56.

So Ordered.

Dated: New York, New York  
October 4, 2024

  
\_\_\_\_\_  
LOUIS L. STANTON  
U.S.D.J.